

## **Washington's Initiative and Referendum Process**

*Courtesy of Rep. Shirley Hankins*

The direct legislative movement, initiative, referendum and recall was not a part of the state constitution of 1889. It was not a subject of consideration or debate during those proceedings.

The matter first received legislative attention during the session of 1897. It was primarily a reaction to perceived abuse by large corporations particularly the railroads. So called "Direct Legislation" was an issue before every legislative session for the next 14 years. There was never a strong groundswell of public support or demand. The primary backing came from the influential Grange and organized labor.

Finally in the political campaign of 1910, the proponents took a very strong stand. Before committing to support candidates they demanded a firm commitment to vote in favor of a joint resolution for "Direct Legislation."

The progress of the proposed legislation through the legislature was not easy. In fact House Bill 153 was very controversial and hotly contested. In amended form it passed the House committee 5-3. On the floor, the majority report was defeated 26-61-9. The minority report was then adopted 49-42-5. A number of amendments followed and close votes ensued. On final passage the vote was 67-22 with 7 not voting.

In the Senate committee a provision to permit constitutional amendment by initiative was stricken from the House version. Second reading on the floor lasted for several hours. One

recorded vote on amendment which would have required petitions to be signed in the office of the County Auditor failed 18-19. Several amendments were defeated on tie standing votes. There was no Lieutenant Governor at the time. As most legislators are aware, second reading votes are often a better indication of true feelings on an issue. The final Senate vote was 32-7. The House concurred in the Senate amendments and the issue went to the ballot in the 1912 election.

In that election 360,000 people voted. Fewer than half of those who voted even bothered to vote on the proposed constitutional amendment, hardly an indication of overwhelming public interest. Just over 100,000 yes votes, fewer than 1/3 of those cast in the election gave us the initiative and referendum.

The committed Grange members and union leaders who worked so hard for so many years to accomplish the Initiative, Referendum and Recall would no doubt turn over in their graves had they ever dreamed professional, paid signature gatherers would be commonly used to qualify initiatives for the ballot. Perhaps the novelty of the new method was responsible for seven initiatives qualifying for the 1914 ballot. Referred to as the “Seven Sisters,” only two passed. One of those was statewide prohibition. In the intervening nearly 90 years that many have never reached the ballot again. The most was six in 2000.

As was the case in 2000, it is hard to believe that a truly informed electorate would approve initiatives costing hundreds of millions of dollars while at the same time passing an initiative reducing available revenues by hundreds of millions of dollars. The supporters of such measures then walk away and expect the legislature to solve the problem. Without new revenues

the burden will ultimately fall disproportionately on the young, the elderly and the infirm. Even more importantly, it will affect the public education system.

If our republican form of government is to function properly, it cannot be governed by an initiative process run amok. It took 15 years for proponents to accomplish approval of the initiative process. After 90 years a thoughtful study of that process is long overdue. At the very least, any initiative which increases spending or reduces revenue should have a fiscal note attached to each petition in large letters.

There are other potential reforms which should be looked at:

- 1) Super majority for measures with substantial fiscal impact;
- 2) Requiring a proportionate number of valid signatures in each congressional district;
- 3) Review of constitutionality prior to signature gathering.

Paying for a vote is a crime. Is there really any difference in paying to buy a signature?

Professional organizations are making a very lucrative business of signature gathering and promotion on initiatives measures which affect the daily lives of all of us. Is this really the way in which we want to be governed?

